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Written statement* submitted by the Bahá'í International Community, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Islamic Republic of Iran: implementation of UPR recommendations regarding the Bahá'ís (February 2011)

At Iran's UPR in February 2010, the government accepted 123 recommendations submitted by other States. The Bahá'í International Community has prepared a 14-page report reviewing Iran's implementation, during the past year, of eight accepted recommendations that apply to adherents of the Bahá'í Faith. The statement below summarizes our longer report (the complete text can be found at: <http://bic.org/areas-of-work/persecution/Iran-UPRdoc-1210.pdf>).

Iran repeatedly indicated during the UPR that it uses the term "religious minorities" to mean only the three recognized in its Constitution (i.e. Jews, Christians, Zoroastrians). Therefore we do not include recommendations that use this term, but rather those referring to "freedom of religion or belief" and/or to Article 18 of the ICCPR.

1. Recommendations of general application

9. Ensure that its legislation and practice conform fully with requirements of article 18 of ICCPR and with its other obligations under international human rights law (Poland)

48. Respect the freedom of religion (Germany)

103. Guarantee, in compliance with its obligations under ICCPR, the effective independence of the procedures and administration of justice, restricted emergency legislation, adequate protection for human rights defenders and political opposition members, and the effective guarantee of freedom of expression and opinion and freedom of religion and belief (Chile)

- Iran has taken no measures to implement these recommendations with regard to the Bahá'ís. Fundamental issues must be addressed in legislation, policy and practice, a few of which are recalled below.

Limiting freedom of religious practice to recognized religions only, Iran's Constitution strips other religions of this freedom and legitimizes persecution against those who practice other faiths. Its restrictive disposition does not allow Bahá'ís, "in community with others and in public or private", to manifest their religion "in worship, observance, practice and teaching", as stipulated in Article 18 of the ICCPR.

Article 14 of Iran's Constitution would normally guarantee justice and respect for the human rights of non-Muslims. Officials who contemptuously disregard the rights of Bahá'ís avoid applying Article 14 to their cases by accusing Bahá'ís of acting "against Islam and the Islamic Republic". Both before and since the UPR, the authorities have used this false allegation to arbitrarily detain, convict and sentence adherents of the Bahá'í Faith.

Moreover, Iran's Constitution does not explicitly recognize religious non-discrimination. Bahá'ís continue to be subjected to discriminatory treatment regarding access to higher education, business/employment, public services, cemeteries, etc. (see below).

2. Recommendations involving specific cases

50. Respect freedom of religion, and assure a fair and transparent trial for members of the Baha'i faith, in full compliance with the commitments undertaken as a State party to the implementation of ICCPR and other human rights instruments (Romania)

117. Ensure the trials of seven Baha'is are fair and transparent and conducted in accordance with international standards, and that Iran amend all legislation that discriminates against minority groups (Australia)

118. Ensure that the trial of the Yarran is conducted in a fair and transparent manner, consistent with Iranian law, natural justice and due legal process (New Zealand)

The Yárán was the name given to the seven former leaders whose cases come under the UN Working Group on Arbitrary Detention's Opinion No. 34/2008.

- Iran has made no attempt (before or since its UPR) to ensure that the trial of the seven Bahá'is was fair, transparent and consistent with due process according to international standards or even its own laws and regulations.

In his report to the General Assembly about Iran, dated 15 September 2010 (A/65/370), the UN Secretary General stated:

- 31. The United Nations High Commissioner for Human Rights wrote to the authorities on several occasions to express concern and seek clarification about the status of the seven members of the Baha'i community who had been detained since 14 May 2008 and whose trial began on 12 January 2010.... (...) The High Commissioner requested the authorities to allow independent monitoring of such high-profile trials, but this request was not granted. On 14 June 2010, the trial was concluded.... (...) The High Commissioner, through a number of letters, expressed deep concern that in the absence of any independent observers, these trials did not meet due process and fair trial requirements. The High Commissioner voiced grave concern that the criminal charges brought against the above-mentioned individuals appeared to constitute a violation of the Islamic Republic of Iran's obligations under the International Covenant on Civil and Political Rights, in particular those of freedom of religion and belief and freedom of expression and association.

In August, the former leaders were wrongfully convicted on charges related to their role in tending to the social and spiritual needs of Iran's Baha'is, and on allegations of activity aimed at undermining State security. The maximum penalty was imposed: 20 years in prison. In September, an appeals court ruled that there was no foundation to the charges regarding national security and overturned the 10-year sentence for those allegations. But it upheld the original verdict related to services rendered as members of the leadership group and confirmed the 10-year sentence imposed on those grounds.

The courts issued no written copies, neither of the original verdict, nor of the decision on appeal. As a result, the defence lawyers cannot take steps required to obtain release on bail (pending further appeal) or temporary leave that can be granted to sentenced prisoners in Iran for compassionate reasons. Due process is thus again being denied during the post-trial period.

- In other Bahá'í cases, as well – both before and since the UPR – Iran's intelligence services and its judiciary have failed to act in accordance with due process.
- Officials cite Iran's own laws and regulations to prove that their legal system is consistent with international standards, but many provisions of national legislation are ignored when intelligence officers arrest and detain Bahá'ís, and when cases against adherents of this religion are brought to trial.

To date (1 February 2010), there are 57 Bahá'ís in Iranian prisons. Since Iran's UPR, Bahá'ís continue to be treated in ways that are inconsistent not only with international law but also with legal standards normally applied to Iranian citizens. Of course, other Iranians have also been targeted by the intelligence services and denied due process by the judiciary, including students, journalists, trade unionists, women's activists and other human rights defenders.

3. Recommendation on discrimination

49. Take all measures necessary to ensure the protection of religious minorities, including implementing the recommendations on adequate housing put forward by the Special Rapporteur after his visit in 2006 (Denmark)

In his country visit report (E/CN.4/2006/41/Add.2), the Special Rapporteur on adequate housing detailed discriminatory policies and practices that target Bahá'ís.

- Since Iran's UPR, confiscation of Bahá'í property has continued, and plainclothes agents and others have attacked Bahá'í homes, businesses and cemeteries with total impunity.

Homes belonging to ±50 Baha'i families in Ivel were destroyed in June 2010 (<http://news.bahai.org/story/780>). Bahá'í cemeteries were attacked in April in Gilavand, May in Mashhad, June in Isfahan and Boroujerd, July in Jiroft. Attacks also recurred on Bahá'í homes and shops in Semnan and Rafsanjan. Officials searched many Bahá'í homes and confiscated computers, books, photos, printed material, etc. related to the Bahá'í Faith.

Discrimination is also systematic in other domains. The UN Secretary General's 2010 report (A/65/370, already mentioned above) states:

30. Members of unrecognized religions, in particular the Baha'i, who comprise the country's largest non-Muslim religious minority, face multiple forms of discrimination and harassment, including denial of employment, Government benefits and access to higher education. (...)

- All these discriminatory practices have continued unabated since Iran's UPR. The authorities are taking systematic measures to impoverish the Bahá'ís.

For denial of access to higher education, see <http://denial.bahai.org/index.php>. Cases since the UPR were reported by the International Campaign for Human Rights in Iran in December 2010: <http://www.iranhumanrights.org/2010/12/punishing-stars-dec2010/>

UN Special Procedures (and the ILO) have documented denial of the right to employment for this minority. Recent government efforts have focused on blocking access to 25 trades from which Bahá'ís were banned in 2007, comprising independent businesses and shops – the only way many Bahá'ís can earn a living, as they have long been banned from employment in the public sector and/or fired from private sector jobs when their religious affiliation became known.

4. Recommendation about incitement to hatred

119. Fully respect the rights of the adherents of the Baha'i faith and to judicially prosecute those inciting hatred against them in religious environments, the media and the Internet (Luxembourg)

- Some officials and members of the clergy continue to advocate religious hatred that constitutes incitement to discrimination against the Bahá'í Faith and its adherents, and do so with total impunity.
- National and provincial budgets include allocations for “educational” programmes to “confront” the Bahá'í Faith, and official organs are dedicated to that purpose.
- Articles, TV and radio programmes on State-run media and government-affiliated websites, and official or State-condoned pamphlets, posters and exhibitions continue to vilify the Bahá'ís and their religion.

The government has taken no steps to implement this recommendation.

For more information, see: http://bic.org/areas-of-work/persecution_bahai_community<http://news.bahai.org/human-rights/iran/iran-update/>
